

(c) The Department will not allow claims arising out of the destruction of animals or materials unless they shall have been appraised as prescribed in this part and the owners thereof shall have executed a written agreement to the appraisals.

## Part 54—Animals Destroyed Because of Scrapie [Added]

Sec.

- 54.1 Definitions.
- 54.2 Cooperation with States.
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**AUTHORITY:** §§ 54.1 to 54.9 issued under sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114a.

**SOURCE:** §§ 54.1 to 54.9 appear at 20 F. R. 2703, Apr. 23, 1955.

### Prior Amendments

1954: 19 F. R. 4522, July 22.

§ 54.1 *Definitions.* For the purpose of this part, the following words, names and terms shall be construed, respectively, to mean:

(a) "The Department" means the United States Department of Agriculture.

(b) "Division" means the Animal Disease Eradication Division of the Agricultural Research Service, United States Department of Agriculture.

(c) "Destroyed" means destroyed by slaughter or by such other means as may be authorized by the Director of Division.

(d) "Animals" include sheep and/or goats.

§ 54.2 *Cooperation with States.* Upon determination by the Director of Division of the existence of scrapie, he shall solicit the cooperation of the proper State or Territory authorities in the eradication of such disease.

§ 54.3 *Appraisal of animals.* (a) Affected and exposed animals shall be appraised at their actual value at the place and time of appraisal by a representa-

tative of the Division and a representative of the State jointly, except that, if the owner and State authorities approve, such animals may be appraised by a representative of the Division alone.

(b) The Division may decline to accept any appraisal that appears to it to be unreasonable or out of proportion to the value of similar animals of a like quality. Appraisals shall not exceed any limit set by the laws of the State or other agency which is cooperating with the Division in the payment of indemnity because of scrapie.

§ 54.4 *Time limit for slaughter.* Animals slaughtered under this part shall be slaughtered within 15 days after the date of appraisal unless such time is specifically extended by the Director of Division.

§ 54.5 *Care and feeding of animals under quarantine; disposal of animals after slaughter.* Expenses for the care and feeding of animals held for destruction and the expense of destruction, burial, incineration, etc., and/or transportation and other expenses incidental to their slaughter will not be paid by the Department.

§ 54.6 *Mortgages and other liens against animals.* (a) When animals have been destroyed pursuant to this part, the inspector in charge shall take reasonable precaution to determine, prior to his approval of vouchers in which compensation therefore is claimed, who is the owner of the animals and whether there are any mortgage or other liens outstanding against the animals. If it appears that there are outstanding liens, a full report regarding the same shall be made and shall accompany the voucher. Every such report shall include a description of the liens, the name of the person or persons having possession of the documentary evidence thereof, and a statement showing what arrangements, if any have been made, to discharge the liens. Every such report should also include a statement of any claims, other than liens, outstanding against the animals destroyed of which the inspector in charge may have knowledge.

(b) When it appears that there are no outstanding liens or claims against the animals a statement to this effect, signed by the owner, shall accompany the voucher.

§ 54.7 *Destruction of animals.* (a) Animals affected with or exposed to scrapie shall be destroyed under this part only after obtaining the written agreement of the owner to accept, as compensation in full from the United States, 50 percent of the difference between the appraisal value and the salvage value not to exceed \$25 per head for grade animals and \$75 per head for purebred animals.

(b) Animals which are exposed to but which do not show visible symptoms of scrapie and whose flesh can be saved for food without risk of spreading the disease may be slaughtered in an establishment approved by the Director of Division.

§ 54.8 *Payments to owners for animals destroyed.* (a) Owners of animals destroyed in accordance with this part because such animals are affected with or exposed to scrapie shall be paid an indemnity not to exceed 50 percent of the difference between the appraised value of each animal so destroyed and the net salvage received by the owner thereof.

(b) The Federal indemnity shall be limited to \$25 per head for grade animals and \$75 per head for purebred animals.

(c) The Division may indemnify owners up to the limitations specified in this part whether or not the State participates in indemnity payment.

(d) Animals presented for appraisal as purebred shall be accompanied by their certificate of registry at the time of appraisal, or they shall be appraised as grades: *Provided, however,* That in the absence of such proof of purebreeding the Director of Division may grant a reasonable time for the presentation of their certificate of registration to the appraiser.

§ 54.9 *Claims not allowed.* (a) The Department will not allow claims arising out of the destruction of animals unless they have been previously appraised, and the owners thereof shall have executed agreements, in compliance with this part.

(b) The Department will not allow claims if the claimant has failed to comply with any of the Department regulations pertaining to scrapie including the necessary cleaning and disinfection of his premises and conveyances.

## Part 55—Cattle Destroyed Because of Anaplasmosis [Added]

Sec.

55.1 Cooperation in eradication of anaplasmosis.

55.2 Appraisal of animals.

55.3 Payments of indemnity; claims not allowed.

**AUTHORITY:** §§ 55.1 to 55.3 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 111, 114, 114a.

**SOURCE:** §§ 55.1 to 55.3 appear at 20 F. R. 9855, Dec. 22, 1955.

§ 55.1 *Cooperation in eradication of anaplasmosis.* Upon agreement of the authorities of the Territory of Hawaii to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of anaplasmosis of cattle and to pay 50 percent of the expenses of the purchase and disposition of cattle affected by the disease, the Director of the Animal Disease Eradication Division of the Agricultural Research Service is hereby authorized to agree on the part of the Department to cooperate with the Territory in the control and eradication of the subject disease and to pay not more than 50 percent of such expenses.

§ 55.2 *Appraisal of animals.* Animals required to be destroyed because of being infected with anaplasmosis shall be appraised by an officially designated representative of the Animal Disease Eradication Division or the Territory of Hawaii and shall be destroyed within a period of time acceptable to the Director of the Division. Such appraisal shall be based on the actual value of the cattle at the time and place of appraisal.

§ 55.3 *Payments of indemnity; claims not allowed.* (a) Owners of affected cattle destroyed in accordance with this part shall be paid an indemnity not to exceed one-half the difference between the appraised value and the salvage value but the payment shall not exceed the amount paid by the Territory of Hawaii.

(b) In the discretion of the Division Director claims will not be allowed under the terms of this part if the payee has not complied with all quarantine requirements.